


A #2A

1c408 U.S. PTO  
08/27/99

EXPRESS MAIL MAILING LABEL	
NUMBER:	EM340961680US
DATE:	August 27, 1999
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington D.C. 20231.	
 Signature	

1c549 U.S. PTO  
09/384517  
08/27/99

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No.: PCOS:026

Prior Application Examiner:  
Joseph W. Drodge

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Prior Group Art Unit: 1723

REQUEST FOR FILING CONTINUATION APPLICATION  
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a continuation application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior U.S. patent application Serial No. 09/094,008, filed June 9, 1998, entitled "Modified Atmosphere Package," which is a continuation of U.S. patent application Serial No. 08/763,719 filed December 13, 1996, entitled "Modified Atmosphere Package for Cut of Raw Meat (As Amended)," which is a continuation-in-part of U.S. patent application Serial No. 08/627,137 filed April 3, 1996 entitled "Modified Atmosphere Package for Cut of Raw Meat".

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/094,008 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if

In re Appln. of Delduca et al.  
"Modified Atmosphere Package"

- ☐ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 4. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this document, or credit any overpayment to Arnold, White & Durkee Deposit Account No. 01-2508/PCOS:026.
- ☐ 5. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 6. Address all future communications to:
- Ronald B. Coolley  
ARNOLD, WHITE & DURKEE  
P. O. Box 4433  
Houston, Texas 77210  
312/744-0090
- ☒ 6. The prior application is presently assigned to Tenneco Packaging Inc..
- ☐ 7. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☐ 8. Cancel in this application claims \_\_\_\_\_ to \_\_\_\_\_ of the prior application before calculating the filing fee.
- ☒ 9. Amend the specification by inserting before the first line the sentence: --This

A1 *supp info B*  
*supp*  
*6/24/00 B*  
is a continuation of ~~co-pending~~ application Serial No. 09/094,008 filed June 9, 1998, which is a continuation of U.S. patent application Serial No. 08/763,719  
*now patent 5,948,457*  
^

In re Appln. of Delduca et al.  
 "Modified Atmosphere Package"

any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/094,008.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

☒ 2. Enclosed is a check in the amount of \$760.00 to cover the filing fee as calculated below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$760.00
Total Claims	12 - 20 =	0 X	\$18.00 =	\$ -0-
Independent Claims	3 - 3 =	0 X	\$78.00 =	\$ -0-
Multiple Dependent Claim(s) -----				\$ -0-
<b>TOTAL FILING FEES:</b>				<b>\$760.00</b>

☐ 3. Applicant is entitled to Small Entity Status for this application.

☐ (a) A small entity statement is enclosed.

In re Appln. of Delduca et al.  
"Modified Atmosphere Package"

*A'*  
~~3~~ *now patent 5,811,142,*  
~~2~~ filed December 13, 1996, which is a continuation-in-part of U.S. patent  
~~2~~ application Serial No. 08/627,137 filed April 3, 1996, *now patent 5,698,250.*

- ☒ 10. Enclosed are formal drawings.
- ☒ 11. An Information Disclosure Statement (IDS) is enclosed.
- ☒ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☐ 12. Other: \_\_\_\_\_.
- ☒ 13. Return Receipt Postcard (should be specifically itemized).

*Michael J. Blankstein*

Michael J. Blankstein  
Reg. No. 37,097  
ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210  
312/744-0090

# FEE TRANSMITTAL for FY 1999

Patent fees are subject to annual revision.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

## Complete if Known

Application Number	
Filing Date	August 27, 1999
First Named Inventor	Delduca et al.
Examiner Name	Joseph W. Drodge
Group / Art Unit	1723
Attorney Docket Number	PCOS:026

TOTAL AMOUNT OF PAYMENT (\$ ) 760.00

## METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 01-2508/PCOS:026  
Deposit Account Name Arnold, White & Durkee

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

2. ☒ Payment Enclosed:

☒ Check ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	760	201	380	Utility filing fee	760.00
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	760	208	380	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 760.00

### 2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims <u>12 - 20 = **</u>	<u>0</u>	X <u>18.00</u>	= <u>00.00</u>
Independent Claims <u>3 - 3 = **</u>	<u>0</u>	X <u>78.00</u>	= <u>00.00</u>

Multiple Dependent \_\_\_\_\_ =

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple dependent claim, if not paid
109	78	209	39	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

### 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920	112	920	Requesting publication of SIR prior to Examiner action	
113	1,840	113	1,840	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	380	216	190	Extension for response within second month	
117	870	217	435	Extension for response within third month	
118	1,360	218	680	Extension for response within fourth month	
128	1,850	228	925	Extension for response within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing a brief in support of an appeal	
121	260	221	130	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,210	241	605	Petition to revive - unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design issue fee	
144	580	244	290	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))	
149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

SUBTOTAL (3) (\$ )

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Typed or Printed Name Michael J. Blankstein

Signature

*Michael J. Blankstein*

Date

Aug. 27, 1999

## Complete (if applicable)

Reg. Number

37,097

Deposit Acct. User ID

PCOS:026